

1 ANDREW C. MUZI, ESQ., SBN 132282
2 amuzi@muzilaw.com
3 DANA L. HARRIS, ESQ., SBN 220668
4 dharris@muzilaw.com
5 MUZI & ASSOCIATES
6 1851 E. FIRST STREET, SUITE 1257
7 SANTA ANA, CALIFORNIA 92705-4017
8 Tel. 949-553-9277 // Fax 949-553-9288

9 JOHN W. RALLS (CA Bar No. 148233)
10 jralls@thelen.com
11 JOHN A. FOUST (CA Bar No. 218824)
12 jfoust@thelen.com
13 JOANNA ROSEN (CA Bar No. 244943)
14 jrosen@thelen.com
15 THELEN REID BROWN RAYSMAN & STEINER LLP
16 101 Second Street, Suite 1800
17 San Francisco, CA 94105
18 Tel. 415.371.1200 // Fax 415.371.1211

19 Attorneys for Defendants
20 DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP,
21 AMERICAN CASUALTY COMPANY OF READING, PA,
22 NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA and
23 CONTINENTAL CASUALTY COMPANY

24 UNITED STATES DISTRICT COURT

25 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

26 UNITED STATES OF AMERICA for the Use and
27 Benefit of ISEC, INC.,

28 Plaintiffs,

vs.

DICK/MORGANTI, a joint venture, DICK
CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,
CONTINENTAL CASUALTY COMPANY, and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:08-CV-01932 –PJH

**STIPULATION AND [PROPOSED]
ORDER EXTENDING CASE
SCHEDULE AND CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Phyllis J. Hamilton

1 Pursuant to Civil Rule 6-2, the parties, Use Plaintiff ISEC, Inc. ("ISEC"), on the one hand,
 2 and Defendants Dick/Morganti, a Joint Venture ("Dick/Morganti"), Dick Corporation, The
 3 Morganti Group, American Casualty Company of Reading, Pennsylvania, Continental Casualty
 4 Company, National Union Fire Insurance Company of Pittsburgh, PA, on the other, hereby
 5 stipulate and agree as follows:

6 The parties are pleased to report that they reached agreement, late last week, on the
 7 business terms of a resolution that will result in the dismissal or stay of this case in accordance
 8 with the agreement of the parties. It will take more than a week, however, to draft and finalize a
 9 formal agreement. One of the key participants in the negotiations, and an essential participant in
 10 the drafting of the formal agreement, is on vacation during the week of August 11, 2008. (*See*
 11 Declaration of John W. Ralls, attached.) Under the circumstances, the parties desire to continue
 12 the various case management deadlines that have been established by 30 days.

13 The parties have previously stipulated, and the Court has previously allowed, time
 14 extensions for the response to the complaint to June 27, July 16, July 30, and August 13, 2008, and
 15 corresponding time extensions to the Rule 26 report and initial case management conference. The
 16 parties have filed the ADR Certification.

17 The parties stipulate and agree that the following case schedule should be established:

- 18 ➤ Deadline for defendants' response to complaint: September 10, 2008.
- 19 ➤ Last day to file Rule 26(f) report, complete initial disclosures or state objection in
 20 Rule 26(f) report and file case management statement per Standing Order re
 21 Contents of Joint Case Management Statement: September 11, 2008.
- 22 ➤ Initial Case Management Conference: On or about October 17, 2008, on a date to
 23 be set by the Court.

24 ////

25 ////

26 ////

27 ////

28 ////

1 A declaration in support of this stipulated request is attached.

2
3 Dated: August 13, 2008

MUZI & ASSOCIATES

4 By: /s/ Dana L. Harris

5 Dana L. Harris
6 Attorney for ISEC, INC.

7
8 Dated: August 13, 2008

THELEN REID BROWN RAYSMAN & STEINER LLP

9 By: /s/ John W. Ralls

10 John W. Ralls
11 Attorneys for Defendants DICK/MORGANTI, DICK
12 CORPORATION, THE MORGANTI GROUP,
13 AMERICAN CASUALTY COMPANY OF
14 READING, PA, NATIONAL UNION FIRE
15 INSURANCE COMPANY OF PITTSBURGH, PA
16 and CONTINENTAL CASUALTY COMPANY

14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 The Court sets the initial case management conference (previously scheduled for
17 August 28, 2008) for October 30, 2008, 2008 in Courtroom 3, 17th Floor, San Francisco at
18 2:30 p.m.

19
20 Dated: August 15, 2008



DECLARATION OF JOHN W. RALLS

I, John W. Ralls, declare:

1. I am an attorney-at-law, a partner with Thelen Reid Brown Raysman & Steiner LLP and counsel of record for the defendants in this case, including defendant Dick/Morganti, a joint venture.

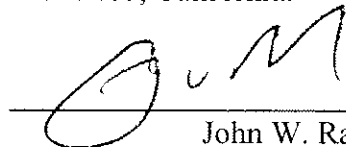
2. Late last week the parties reached agreement on the business terms of a resolution that will result in the dismissal or stay of this case as agreed by the parties.

3. The key participant in these negotiations for the defendants was the Assistant General Counsel of Dick Corporation, Michael Ambroso. Mr. Ambroso is on vacation for the week of August 11, 2008, and will return August 18, 2008.

4. In view of Mr. Ambroso's vacation, the fact that he has to be involved in the drafting and execution of the formal agreement, and the fact that the agreement is not simple, it will take more than a week to draft, finalize and execute the formal agreement.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on August 13, 2008, in San Francisco, California.


John W. Ralls